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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/774,629
Filing Date: February 10, 2004
Appellant(s): YAMANAKA ET AL.

Eric B. Compton
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/11/2008 appealing from the Office action mailed 3/13/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6545982	Murthy, et al.	8-2003
EP0915598	Bushmitch	12-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-11, 14-15, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy (US 6545982) in view of Bushmitch (EP 0915598).

Regarding claim 1, Murthy discloses:

A push network comprising:

means for copying information held in a packet sent from an information providing terminal and for generating a plurality of packets with the same information, (Col. 2, lines 49-56; col. 13, lines 30-34; col. 18, lines 10-22, and lines 60-67)

means for distributing the packets thereby generated to a plurality of user terminals; (col. 9, lines 1-54; broadcast multicast table, col. 15) wherein:

means within said information providing terminal for adding information to the packet; means within said information providing terminal for adding to the packet a content identifier or both the content identifier and a category identifier; wherein the information provided by said information providing terminal is assigned a unique content identifier or both the content identifier and the category identifier for identifying the category to which the content of the information in the packet belongs; (protocol ID, address, length field, CRC, various headers, col. 7-9, especially col. 8, lines 16-58; packet descriptor or mask, cols. 11-12, and cl. 17, especially col. 111, lines 5-60, and col. 12, lines 50-59) and

wherein the distributing means comprises means for deciding, in accordance with the content identifier, or in accordance with one or both of the content identifier and category identifier, whether or not to distribute that packet to a given user terminal. (col. 8, lines 15-67; cols. 11-12)

Murthy teaches all the limitations of claim 1 except for a push network and admission control of devices registering with service providers.

Bushmitch teaches a push network and admission control of devices registering with service providers. (see [0006]-[0007] which describe the use of a push architecture and admission control of devices)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Murthy and Bushmitch because both networks send multicast traffic to devices, and Bushmitch offers details of end devices registering (using call admission control CAC) with service providers. It would have been obvious for the end users to register with service providers in order to set up a call or to set up a path such as a VPI/VCI. Murthy discloses packet based protocols (col. 4, lines 20-30) and ATM which uses CAC is one such packet based protocol.

Regarding claim 2, Murthy discloses:

A push network as claimed in Claim 1, wherein means is provided for adding a content identifier to a packet, and the distributing means comprises means for deciding, in accordance with the content identifier, whether or not to distribute that packet to a given user terminal. (As cited in claim 1, Murthy discloses means for adding a content identifier to a packet, and means for

deciding whether to distribute the packet in (protocol ID, address, length field, CRC, various headers, col. 7-9, especially col. 8, lines 16-58; packet descriptor or mask, cols. 11-12, and cl. 17, especially col. 111, lines 5-60, and col. 12, lines 50-59) and (col. 8, lines 15-67; cols. 11-12))

Regarding claim 3, Murthy discloses:

A push network as claimed in Claim 2, wherein the decision means includes: a table, provided in correspondence with a destination, in which content identifier related information has been registered; and means for passing a packet if the content identifier added to that packet matches the content identifier related information registered in the table. (Col. 9, lines 31-52 describe how a router/bridge will modify the fields of a packet and then apply rules to determine how and where to transmit a packet in addition to tables (e.g., B/M table col. 15), registering a content ID (using the tables, col. 14))

Regarding claim 4, Murthy discloses:

A push network as claimed in Claim 3, wherein means is provided for registering content identifier related information in the table in accordance with notification from a user. (Col. 8 lines 65-67 where Murthy states that templates and rules are defined through the use of a the supervisory access terminal, which would be used by a user. As well as table entries with notification from user and deleting means (e.g., XMASKs, col. 13, lines 6-46; custom filtering rules, col. 14, table entries, col. 16, lines 16-45))

Regarding claim 5, Murthy discloses:

A push network as claimed in Claim 3, wherein means is provided for deleting from the table content identifier related information that has been registered in the table, once a series of packets to which that content identifier has been added have passed. (XMASK (described in Col. 11-13 of Murthy) are related to a category and/or a content of a packet as they describe where a packet is to be sent, and after a packet is sent, these XMASKs would be deleted and new ones created for the new packets received. Col. 16 lines 24-37)

Regarding claim 6, Murthy discloses:

A push network as claimed in Claim 5, wherein the deleting means comprises means for deleting content identifier related information from the table after a prescribed time interval has elapsed after the series of packets have passed. (see Col. 16 lines 24-37, which describes the deletion of entries from a table)

Regarding claim 7, Murthy discloses:

A push network as claimed in Claim 3, wherein means is provided for deleting from the table, at a predetermined time, content identifier related information registered in the table. (see Col. 16 lines 24-37, which describes the deletion of entries from the table)

Regarding claim 8, Murthy discloses:

A push network as claimed in Claim 3, wherein the decision means comprises means for receiving a packet requesting deletion of content identifier related information, and for deleting the corresponding content identifier related

information from the table. (see Col. 16 lines 24-37, which describes receiving a request from a remote system causing deletion of entries from a table)

Regarding claim 9, Murthy discloses:

A push network as claimed in Claim 8, wherein the user terminal comprises means for transmitting a packet requesting deletion of content identifier related information. (see Col. 16 lines 24-37, which describes receiving a request from a remote system causing deletion of entries from a table, and as the bridge/router is able to forward packets, the packet can then be forwarded on to the next router to ensure cache coherency)

Regarding claim 10, Murthy discloses:

A push network as claimed in Claim 8, wherein the information providing terminal comprises means for transmitting a packet requesting deletion of content identifier related information. (see Col. 16 lines 24-37, which describes receiving a request from a remote system causing deletion of entries from a table, and as the bridge/router is able to forward packets, the packet can then be forwarded on to the next router to ensure cache coherency)

Regarding claim 11, Murthy discloses:

A push network as claimed in Claim 3, wherein the decision means comprises means which, if no packet having the same content identifier as that of passed packets arrives within a fixed time interval after the final packet has passed, deletes from the table the information relating to that content identifier.

(see Col. 16 lines 24-37, which describes receiving a request from a remote system causing deletion of entries from a table,)

Regarding claim 14, Murthy discloses:

A push network as claimed in Claim 4, wherein the registering means comprises means for receiving a request packet in which has been written a content identifier relating to content desired by a user, and means for registering content identifier related information in the aforementioned table in accordance with the content identifier written in the request packet received by this receiving means. (Col. 9, lines 31-52 describe how a router/bridge will modify the fields of a packet and then apply rules to determine how and where to transmit a packet.)

Regarding claim 15, Murthy discloses:

A push network as claimed in Claim 4, wherein one registering means is provided for a plurality of decision means, and this registering means comprises: means for storing, in correspondence with content, information indicative of the information providing terminal constituting the source of packets with that content; means for searching for a route from that information providing terminal to a given user terminal in accordance with the stored contents of this storage means; and means which, in accordance with the result of the search conducted by this searching means, registers content identifier related information notified by a user, in the tables of the decision means along the route in question. (Col. 9, lines 31-52 describe how a router/bridge will modify the fields of a packet and then apply rules to determine how and where to transmit a packet.)

Regarding claim 21, Murthy discloses:

A push network as claimed in Claim 1, wherein means is provided for temporarily storing a packet which the decision means has decided to distribute. (Col. 10, lines 53-55 describe packet buffers)

Regarding claim 25, Murthy discloses:

A push network as claimed in Claim 1, wherein means is provided for adding to a packet one or both of a content identifier and a category identifier; and the distributing means comprises means for deciding, in accordance with this content identifier and/or category identifier, whether or not to distribute that packet to a given user terminal. (protocol ID, address, length field, CRC, various headers, col. 7-9, especially col. 8, lines 16-58; packet descriptor or mask, cols. 11-12, and cl. 17, especially col. 111, lines 5-60, and col. 12, lines 50-59)

(10) Response to Argument

Regarding claims 1-2, 6-11, 14-15, and 21, Appellant argues:

a) Murthy fails to disclose or teach "means within said information providing terminal for adding information to the packet". (Brief, pp 6-7)

b) Murthy fails to disclose or teach "means within said information providing terminal for adding to the packet a content identifier or both the content identifier and a category identifier." (Brief pp 8-9)

The Examiner disagrees:

a) First, the Examiner points out that the bridge shown in Fig. 1 is the information providing apparatus. The bridge of Murthy contains a means for adding information to a

packet as shown in Col. 9 lines 36-45, which disclose the adding of various information to a packet, such as desintation address, and the adding of information to sub-fields of the packet.

b) Second, the Examiner notes that the Appellant is importing limitations from the specification into the claims. Claim 1 states: "a unique content identifier or both the content identifier and the category identifier **for** identifying the category to which the content of the information in the packet belongs." There is nothing in this limitation that limits the definition of a content identifier to only describe those things which do not relate to the way in which the data in the packet is to be transmitted. Therefore, the Examiner is interpreting 'content identifier' broadly enough to include information identifying where the content is to be sent, but specifically is equating it to the information found in Col. 9 lines 42-44 in Murthy, such as priority. Further, this limitation referred to by Appellant is an intended use limitation, not a functional limitation, so should not be given patentable weight.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the content identifier must be specifically related to the topic or category of the content in the packet and not related to a transmission method of the content) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the content identifier is for identifying a category of a content of a packet, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

For these reasons, the rejection of claims 1-2, 6-11, 14-15, and 21 under 35 U.S.C. 103(a) should be maintained.

Regarding **claim 3**, Appellant argues:

Murthy does not disclose "a table, provided in correspondence with a destination, in which content identifier related information has been registered; and means for passing a packet if the content identifier added to that packet matches the content identifier related information registered in the table" (brief, pp 10-11)

The Examiner disagrees with Appellant's arguments. The Examiner points to Col. 9, lines 31-52 describe how a router/bridge will modify the fields of a packet and then apply rules to determine how and where to transmit a packet. Appellant's appears to be arguing again the same as the argument presented in Claim 1, that Murthy does not disclose a "content identifier", and the Examiner's arguments about the interpretation of a content identifier apply equally to this claim.

For these reasons, the rejection of claim 3 under 35 U.S.C. 103(a) should be maintained.

Regarding **claim 4**, Appellant argues:

Murthy does not disclose or teach "registering a content ID in accordance with notification from a user" because the Examiner has mischaracterized Murthy. (Brief, pg 12)

The Examiner disagrees, further noting in Col. 8 lines 65-67 where Murthy states that templates and rules are defined through the use of a the supervisory access terminal, which would be used by a user.

Appellant appears to be arguing again the same as the argument presented in Claim 1, that Murthy does not disclose a "content identifier", and the Examiner's arguments about the interpretation of a content identifier apply equally to this claim.

For these reasons, the rejection of claim 4 under 35 U.S.C. 103(a) should be maintained.

Regarding claim 5, Appellant argues:

Murthy does not disclose or teach "means provided for deleting from the table content identifier related information that has been registered in the table, once a series of packets to which that content identifier has been added have passed". (pg 13)

The Examiner disagrees, noting that an XMASK (described in Col. 11-13 of Murthy) are related to a category and/or a content of a packet as they describe where a packet is to be sent, and after a packet is sent, these XMASKs would be deleted and new ones created for the new packets received, see also Col. 16 lines 24-37.

Appellant appears to be arguing again the same as the argument presented in Claim 1, that Murthy does not disclose a "content identifier", and the Examiner's arguments about the interpretation of a content identifier apply equally to this claim.

For these reasons, the rejection of claim 5 under 35 U.S.C. 103(a) should be maintained.

Regarding claim 25, Appellant argues:

Murthy does not disclose adding either one or both of a content identifier and category identifier to a packet. (pg 14)

First, the Examiner points out that the claim only requires adding one of a content identifier and a category identifier, and as argued in the previous claims, Murthy does add at least a content identifier to a packet. However, Murthy also adds a category identifier, one possibility of which in addition to the items listed in Col. 9 lines 40-45, would be the previously cited XMASK which describes the ports to which the content of a packet would be forwarded, categorizing the packets as shown in Table 1 of Murthy, located in Col. 11.

For these reasons, the rejection of claim 25 under 35 U.S.C. 103(a) should be maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

MEK 10/25/2008

Conferees:

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Art Unit: 2454

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